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AMENDED IN ASSEMBLY MARCH 27, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2609

Introduced by Assembly Member Evans

**(Coauthors: Assembly Members Berg, Shirley Horton, Koretz,
Laird, Lieber, and Pavley)**

(Coauthors: Senators Alquist, Kuehl, Romero, and Torlakson)

February 24, 2006

An act to add Section 1569.69 to the Health and Safety Code, relating to residential facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

AB 2609, as amended, Evans. Residential facilities for the elderly: employee training.

Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Under existing law, a violation of any of these provisions is punishable as a misdemeanor.

This bill would require, beginning January 1, 2008, that a licensed residential care facility for the elderly ensure that each employee of the facility who assists residents with the self-administration of

medications meet specified employee training requirements set forth in the bill. The bill would require these employees to pass an examination subsequent to completion of the training. The bill would require that each residential care facility that provides employee training pursuant to these provisions maintain certain records and documentation related to that training. It would also provide that a facility, licensed to provide care for 16 or more persons, maintain documentation that demonstrates that a consultant pharmacist or nurse has reviewed the facility's medication management program and procedures at least twice a year. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1569.69 is added to the Health and
- 2 Safety Code, to read:
- 3 1569.69. (a) Each residential care facility for the elderly
- 4 licensed under this chapter shall ensure that each employee of the
- 5 facility who assists residents with the self-administration of
- 6 medications meets the following training requirements:
- 7 (1) ~~In facilities licensed to provide care for 16 or more~~
- 8 ~~persons, the employee completes 16 hours of initial training prior~~
- 9 ~~to assisting residents with the self-administration of medications,~~
- 10 ~~including eight hours of hands-on shadowing training and eight~~
- 11 ~~hours of other training or instruction as described in subdivision~~
- 12 ~~(f).~~
- 13 (2) ~~In facilities licensed to provide care for 15 or fewer~~
- 14 ~~persons, the employee completes six hours of initial training~~
- 15 ~~prior to assisting residents with the self-administration of~~
- 16 ~~medications, including two hours of hands-on shadowing training~~
- 17 ~~and four hours of other training or instruction as described in~~
- 18 ~~subdivision (f).~~

1 (1) *In facilities licensed to provide care for 16 or more*
2 *persons, the employee shall complete 16 hours of initial training.*
3 *This training shall consist of eight hours of hands-on shadowing*
4 *training, which shall be completed prior to assisting with the*
5 *self-administration of medications, and eight hours of other*
6 *training or instruction, as described in subdivision (f), which*
7 *shall be completed within the first two weeks of employment.*

8 (2) *In facilities licensed to provide care for 15 or fewer*
9 *persons, the employee shall complete six hours of initial training.*
10 *This training shall consist of two hours of hands-on shadowing*
11 *training, which shall be completed prior to assisting with the*
12 *self-administration of medications, and four hours of other*
13 *training or instruction, as described in subdivision (f), which*
14 *shall be completed within the first two weeks of employment.*

15 (3) An employee shall be required to complete the training
16 requirements for hands-on shadowing training described in this
17 subdivision prior to assisting any resident in the
18 self-administration of medications. The training and instruction
19 described in this subdivision shall be completed, in their entirety,
20 within the first two weeks of employment.

21 (4) The training shall cover all of the following areas:

22 (A) The role, responsibilities, and limitations of staff who
23 assist residents with the self-administration of medication,
24 including tasks limited to licensed medical professionals.

25 (B) An explanation of the terminology specific to medication
26 assistance.

27 (C) An explanation of the different types of medication orders:
28 prescription, over-the-counter, controlled, and other medications.

29 (D) An explanation of the basic rules and precautions of
30 medication assistance.

31 (E) Information on medication forms and routes for
32 medication taken by residents.

33 (F) A description of procedures for providing assistance with
34 the self-administration of medications in and out of the facility,
35 and information on the medication documentation system used in
36 the facility.

37 (G) An explanation of guidelines for the proper storage,
38 security, and documentation of centrally stored medications.

1 (H) A description of the processes used for medication
2 ordering, refills and the receipt of medications from the
3 pharmacy.

4 (I) An explanation of medication side effects, adverse
5 reactions, and errors.

6 (5) To complete the training requirements set forth in this
7 subdivision, each employee shall pass an examination that tests
8 the employee's comprehension of, and competency in, the
9 subjects listed in paragraph (3).

10 (6) Residential care facilities for the elderly shall encourage
11 pharmacists and licensed medical professionals to use plain
12 English when preparing labels on medications supplied to
13 residents. As used in this section, "plain English" means that no
14 abbreviations, symbols, or Latin medical terms shall be used in
15 the instructions for the self-administration of medication.

16 (7) The training requirements of this section are not intended
17 to replace or supplant those required of all staff members who
18 assist residents with personal activities of daily living as set forth
19 in Section 1569.625.

20 (8) The training requirements of this section shall be repeated
21 if either of the following occur:

22 (A) An employee returns to work for the same licensee after a
23 break of service of more than 180 consecutive calendar days.

24 (B) An employee goes to work for another licensee in a
25 facility in which he or she assists residents with the
26 self-administration of medication.

27 (b) Each employee who received training and passed the exam
28 required in paragraph (5) of subdivision (a), and who continues
29 to assist with the self-administration of medicines, shall also
30 complete four hours of in-service training on medication-related
31 issues in each succeeding 12-month period.

32 (c) The requirements set forth in subdivisions (a) and (b) do
33 not apply to persons who are licensed medical professionals.

34 (d) Each residential care facility for the elderly that provides
35 employee training under this section shall use the training
36 material and the accompanying examination that are developed
37 by, or in consultation with, a licensed nurse, pharmacist, or
38 physician. The licensed residential care facility for the elderly
39 shall maintain the following documentation for each medical
40 consultant used to develop the training:

1 (1) The name, address, and telephone number of the
2 consultant.

3 (2) The date when consultation was provided.

4 (3) The consultant's organization affiliation, if any, and any
5 educational and professional qualifications specific to medication
6 management.

7 (4) The training topics for which consultation was provided.

8 (e) Each person who provides employee training under this
9 section shall meet the following education and experience
10 requirements:

11 (1) A minimum of five hours of initial, or certified continuing,
12 education or three semester units, or the equivalent, from an
13 accredited educational institution, on topics relevant to
14 medication management.

15 (2) The person shall meet any of the following practical
16 experience or licensure requirements:

17 (A) Two years full-time experience, within the last four years,
18 as a consultant with expertise in medication management in areas
19 covered by the training described in subdivision (a).

20 (B) Two years full-time experience, or the equivalent, within
21 the last four years, as an administrator for a residential care
22 facility for the elderly, during which time the individual has acted
23 in substantial compliance with applicable regulations.

24 (C) Two years full-time experience, or the equivalent, within
25 the last four years, as a direct care provider assisting with the
26 self-administration of medications for a residential care facility
27 for the elderly, during which time the individual has acted in
28 substantial compliance with applicable regulations.

29 (D) Possession of a license as a medical professional.

30 (3) The licensed residential care facility for the elderly shall
31 maintain the following documentation on each person who
32 provides employee training under this section:

33 (A) The person's name, address, and telephone number.

34 (B) Information on the topics or subject matter covered in the
35 training.

36 (C) The time, dates, and hours of training provided.

37 (f) Other training or instruction, as required in paragraphs (1)
38 and (2) of subdivision (a), may be provided off site, and may use
39 various methods of instruction, including, but not limited to, all
40 of the following:

1 (1) Lectures by presenters who are knowledgeable about
2 medication management.

3 (2) Video instruction tapes, interactive material, online
4 training, and books.

5 (3) Other written or visual materials approved by
6 organizations or individuals with expertise in medication
7 management.

8 (g) Residential care facilities for the elderly licensed to
9 provide care for 16 or more persons shall maintain
10 documentation that demonstrates that a consultant pharmacist or
11 nurse has reviewed the facility's medication management
12 program and procedures at least twice a year.

13 (h) Nothing in this section authorizes unlicensed personnel to
14 directly administer medications.

15 (i) This section shall become operative on January 1, 2008.

16 SEC. 2. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the
21 penalty for a crime or infraction, within the meaning of Section
22 17556 of the Government Code, or changes the definition of a
23 crime within the meaning of Section 6 of Article XIII B of the
24 California Constitution.